

REMARKS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

In the Advisory Action, dated May 29, 2003, the Examiner maintained his rejections of claims 1-19 and refused to enter the amendment filed by the Applicant on May 16, 2003.

The claimed invention relates to a telecommunication method, as recited in claim 1, and a receiving apparatus for enabling the telecommunication method, as recited in claim 14. The receiving apparatus corresponds to an integrated telecommunications mobile device that comprises an identification card, a radio receiver and/or a television receiver, a reproducing means, as well as mobile radio components through which the telecommunications mobile device is operative in a mobile radio network. According to claims 1 and 14, through the identification card, a user of the telecommunications mobile device is identified. Through the radio receiver and/or the television receiver, the telecommunications mobile device receives digital data transmitted via a broadcast channel as program-accompanying data with a media program.

Through the reproducing means, the telecommunications mobile device may reproduce the media program on a display. The telecommunications mobile device may also display the received information on the display, through which a user is allowed to enter a command. Based on the entered command, a message is prepared, through a message-preparing means of the telecommunications mobile device, wherein the prepared message includes a data field of the received digital data as well as an identification of the user determined automatically from the identification card

of the telecommunications mobile device. The message is then subsequently sent via a mobile radio network through the mobile radio components.

The Examiner claims that the device taught by Yoshinobu can be a wireless remote device (e.g., for a TV) as well as a telephone. In addition, the Examiner claims that the phone provides motivation for it to be a wired or wireless phone and that one would use a known video phone in place of Yoshinobu's phone.

Yoshinobu teaches a remote control transmitter (300, see column 5, lines 59 and 60, column 4, lines 49 and 50, and column 4, lines 53 and 54, see also Fig. 2 and Fig. 3) for **one-way communication** from the remote control transmitter to a transmitting apparatus (400, see Fig. 2 for the one-directional arrow between 300 and 400, column 6, lines 2-5, column 6, lines 6-8). Manually entered information is transmitted from the remote control transmitter (300) to a **detached and separate** transmitting apparatus (400).

The Examiner claims that it would be obvious to one skilled in the art to (1) take Yoshinobu's detached transmitting apparatus connected to the wired telephone line, (2) connect the detached transmitting apparatus to a known video phone, (3) integrate a radio and/or television receiver into the video phone, and (4) integrate the Yoshinobu's transmitting apparatus, the video phone connected to the transmitting apparatus and integrated with the radio and/or television receiver, and the Yoshinobu's one-way transmitter. In addition, the Examiner suggested that it would have also been obvious to one skilled in the art to (5) provide the mobile and portable device obtained after the above four steps with an identification card and (6) to enable the integrated radio and/or television receiver to receive program accompanying data.

There is no motivation in Yoshinobu to apply **all** these 6 steps to the system taught by Yoshinobu. The Applicant respectfully submits that Yoshinobu does not

motivate or suggest such integrations. Absence of a discernable motivation or suggestion in Yoshinobu's disclosure, hindsight interpretation of Yoshinobu's motive does not render the integration obvious. Such hindsight construction of what would have been obvious at the time the invention was made is not consistent with the established case laws regarding the statutory requirement of non-obviousness.

In addition, even if the above 1-6 steps are suggested or motivated in Yoshinobu's teaching, the feature of message preparation in the present application is still absent in Yoshinobu. There is no mentioning or reference in Yoshinobu's teaching that would lead one skilled in the art to derive a message preparing function which is capable of preparing, in response to an entered command, a message, which includes program accompanying data received directly from the integrated radio and/or television receiver and a user identification retrieved from the identification card, and send such prepared message over a mobile radio network.

Therefore, Yoshinobu clearly does not teach or fairly suggest a telecommunication method, as recited in claim 1, capable of receiving digital data, transmitted as program-accompanying data in a media program via a mobile radio network, reproducing the media program on the telecommunications mobile device, displaying the received digital data, and preparing a message based on a user entered command using data fields of the received digital data as well as an identification automatically determined from the identification card. In addition, Yoshinobu does not teach or fairly suggest a telecommunication mobile device, as recited in claim 14, containing an identification card, mobile radio components, radio receiver and/or a television receiver, reproducing means, and message-preparing means to facilitate the claimed telecommunication method.

The Examiner claims that Johnstromer and Diehl et al. teach additional features in view of Yoshinobu. Jonstromer does not remedy the deficiencies of Yoshinobu. Jonstromer merely teaches a mobile telephone that uses a smart/SIM card to identify a user. Neither Yoshinobu nor Jonstromer provide any suggestion as to why one would include an identification card in a one way remote control. By incorporating Jonstromer's smart/SIM card to Yoshinobu's invention, the combination still fails to disclose, teach, or fairly suggest a telecommunication method capable of capable of receiving digital data, transmitted as program-accompanying data in a media program via a mobile radio network, reproducing the media program on the telecommunications mobile device, displaying the received digital data, and preparing a message based on a user entered command using data fields of the received digital data, as recited in claim 1. The combination also does not lead to a telecommunications mobile device, as recited in claim 14, containing mobile radio components, radio receiver and/or a television receiver, reproducing means, and message-preparing means to support the telecommunication method recited in claim 1. Therefore, Jonstromer in view of Yoshinobu fail to disclose, teach, or suggest at least the features discussed above, as recited in claims 1 and 14.

Diehl et al. do not remedy the deficiencies of Yoshinobu and Jonstromer. Diehl et al. merely teach a process of instantaneous confirming of actions in relation to television programs and device for use of the process. According to Diehl et al., a receiver and a smart card are used to interact with a television program, where the receiver is not a mobile device. The combination of Yoshinobu, Jonstromer, and Diehl et al. fails to disclose, teach, or fairly suggest a telecommunication method having features recited in claim 1, including the capability of receiving digital data, transmitted as program-accompanying data in a media program via a mobile radio

network, reproducing the media program on the telecommunications mobile device, displaying the received digital data, and preparing a message based on a user entered command using data fields of the received digital data. The combination also fails to disclose, teach, or fairly suggest a telecommunications mobile device having components recited in claim 14, including mobile radio components, radio receiver and/or a television receiver, reproducing means, and message-preparing means that facilitate the telecommunication method recited in claim 1. Therefore, Diehl et al. in view of Jonstromer and Yoshinobu fail to disclose, teach, or suggest at least the features discussed above, as recited in claims 1 and 14.

Furthermore, the Examiner maintains his rejections based on Suzuki and Alperovich and claims that “all requirements of the claim are disclosed by Suzuki/Alperovich”. Suzuki teaches a method in which a multicast broadcast receiver is used **in combination** with a **separate television set** for ordinary television broadcasting. According to Suzuki’s disclosure, when a user of the multicast broadcast receiver watches a television broadcasting program independently received and displayed on a television set, the user is requested, by a separate radio broadcast program (e.g., a broadcast program that requests the user watching the television program to rate the program), to enter data, through an entry means of the multicast broadcast receiver, displayed on the separate television set (e.g., a number corresponding to either rating “approval” or “disapproval”) (Column 2, 34-40). The data entered by the user is then transmitted via a communication means of the multicast broadcast receiver (Column 2, lines 54-65).

Applicant respectfully submits that Suzuki teaches a method that allows a user to react to what is requested by the radio broadcast program and accordingly to capture and return data, using a multicast broadcast receiver, based on what is shown

in a television broadcast program received and displayed on a separate television set and. Although Suzuki teaches reproducing a radio broadcast program (e.g., Column 1, lines 66) through which a user is requested to enter data, the reproduction means is limited to reproducing the audio signals received from the radio broadcast program (which is separate from a television or media program) through a speaker (Column 1, lines 23-24, lines 30-32).

The solution disclosed by Suzuki is different from what is claimed in the present application. Suzuki's teaching does not lead a person having ordinary skill in the art to derive the solution claimed in claims 1 and 14. To the contrary, applying Suzuki's teaching, one skilled in the art would have derived a system where a telecommunication device is required to be used in combination with a separate television set. In contrast, the present invention describes an integrated mobile receiver that is capable of receiving media programs together with program-accompanying data, reproducing the media programs, displaying received digital data, as well as preparing a message based on a user's response. This facilitates a feedback channel for program-accompanying data as part of the broadcast media program and such a channel is available to users any time and anywhere regardless whether there is an available and separate television set.

The Examiner indicated that one skilled in the art would modify Suzuki to provide wireless communication. At the time of Suzuki's invention, wireless communication, particularly mobile radio telephones, were well known. Suzuki could have indicated such an alternative of using wireless communications. However, Suzuki makes no reference or does not suggest the use of wireless communication. Obviously, to Suzuki, there is no need to provide or to introduce the use of wireless communication. This is because Suzuki's method is for a particular setting (where a

separate television is already available and present). Suzuki's failure to mention or to motivate the use of wireless communication suggests that there is no reason in that particular setting to need wireless communication. This argument also applies as to other features in the present invention that are absent in Suzuki. For example, there is no motivation or suggestion in Suzuki's disclosure to integrate the separate television set with the multicast broadcast receiver because there is no such need in the particular setting for which Suzuki's method is developed. In addition, Suzuki makes no suggestion that would lead one skilled in the art to a message preparing means that prepares, in response to an entered command from a user, a message, which includes program accompanying data received by an integrated radio and/or television receiver and a user identification retrieved from the identification card, and send such prepared message over a mobile radio network.

As a consequence of having a separate multicast broadcast receiver and a television set which operate independently, the multicast broadcast receiver in Suzuki has no control over the television set in terms of what to receive and what to display. This leads to a different system configuration than the claimed invention. Furthermore, due to the fact that the television broadcast programs and radio broadcast programs are handled independently, a user in Suzuki's setting has to manually enter data (e.g., product number) on the telecommunication device based on what is observed from a separate television set.

Combining Suzuki with Yoshinobu, Jonstromer, and Diehl does not remedy the deficiencies of the combination of Yoshinobu, Jonstromer, and Diehl and fails to disclose, teach, or fairly suggest a telecommunication method capable of receiving digital data, transmitted as program-accompanying data in a media program via a mobile radio network, reproducing the media program on the telecommunications

mobile device, allowing entry of command through displaying the received digital data, and preparing a message based on a user entered command using data fields of the received digital data, as recited in claim 1. The combination also fails to disclose, teach, or fairly suggest a telecommunications mobile device, as recited in claim 14, containing mobile radio components, a television receiver, reproducing means for both a received media program and the program-accompnaying digital data, and message-preparing means that uses data fields of received program-accompanying data to facilitate the telecommunication method recited in claim 1. That is, Suzuki in view of Diehl et al., Jonstromer, and Yoshinobu fails to disclose, teach, or suggest at least the features discussed above, as recited in claims 1 and 14.

Alperovich et al. disclose a system that allows a mobile station (MS) or a SIM card within the MS to receive information from air interface to determine current time period, e.g., peak or off-peak, for a subscriber based on broadcast system date and time prior to answering or placing a call on the mobile terminal. Although Alperovich et al. teaches the use of a Java script to be executed on the SIM card as recited in dependent claims 4 and 16, Alperovich et al. do not remedy the deficiencies discussed above.

Therefore, Applicant respectfully requests that the rejection of claims 1 and 14 under 35 U.S.C. §103(a) be withdrawn.

Claims 2 -13 depend from claim 1. Consequently, claims 2 -13 are patentable at least for the reasons stated above with respect to claim 1 and for the additional features recited therein. Therefore, Applicant respectfully requests that the rejection of claims 2 -13 under §103(a) be withdrawn.

Claims 15 -19 depend from claim 14. Consequently, claims 15 -19 are patentable at least for the reasons stated above with respect to claim 14 and for the

additional features recited therein. Therefore, Applicant respectfully requests that the rejection of claims 15 -19 under §103(a) be withdrawn.

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,
Pillsbury Winthrop, LLP

By: 

Dale S. Lazar
Reg. No.: 28872
Tel. No.: (703) 905-2126
Fax No.: (703) 905-2500

DSL\QCH:ml
P.O. Box 10500
McLean, VA 22102
(703) 905-2000